

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**WALMART STORES, INC.**

**and**

**Case 21-CA-150416**

**ORGANIZATION UNITED FOR RESPECT AT  
WALMART (OUR WALMART)**

**ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-OPMCGH is denied.<sup>2</sup> The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>3</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> In reviewing the petition to revoke, we have considered the subpoena in light of the clarifications set forth in the parties' briefs. In particular, with respect to subpoena paragraph 12, which requests "[d]ocuments showing any stores operated by the Employer nationwide that have been permanently closed by the new executive team including documents showing the date of the closure and reason for the closure, during the period of July 1, 2014, through the present date," we note that the Region states in its opposition brief that it is seeking "records of such closures" that the Employer "would have maintained ... in the ordinary course of its business." We interpret this statement as clarifying that the Region is not seeking documents that "only tangentially relate to store closure" as asserted by the Employer.

<sup>3</sup> With respect to subpoena paragraphs 13 and 15, we find that the General Counsel's request for the documents described therein does not violate the protective order issued in Case 16-CA-096240. Accordingly, we deny the Employer's request that the attorneys in Region 21 or any subsequent Regions be prohibited from using the requested documents at any time in this or any related proceeding. The General Counsel shall again enter into a protective order with the Employer covering the documents in this proceeding, if the Employer so requests. See, e.g., *EEOC v. Morgan Stanley & Co., Inc.*, 132 F.Supp.2d 146, 160 (S.D.N.Y. 2000).

Dated, Washington, D.C. February 10, 2016

MARK GASTON PEARCE,	CHAIRMAN
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PHILIP A. MISCIMARRA,	MEMBER
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KENT Y. HIROZAWA,	MEMBER
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